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VIA ECF

The Honorable William M. Conley
Chief United States District Judge
United States District Court for the Western District of Wisconsin
120 North Henry Street, Room 320
P.O. Box 432
Madison, WI 53701-0432

Re: Rockwell Automation, Inc. et al. v. WAGO Corporation et al.

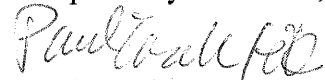
Dear Chief Judge Conley:

We represent Rockwell Automation, Inc. and Rockwell Automation Technologies, Inc. (collectively "Rockwell") in this action. We write to withdraw Counts One and Four of the Complaint without prejudice.

Counts One and Four of the Complaint assert that defendants WAGO Corporation and WAGO Kontakttechnik GmbH & Co. KG (collectively "WAGO ") infringe U.S. Patent Nos. 6,745,090 and 7,058,461. However, during discovery WAGO informed Rockwell that to date, the accused WAGO TO-PASS products have "not been made, used, offered for sale, or sold to the U.S. market." Since WAGO has asserted that there are no sales of the TO-PASS in the U.S. market, Rockwell wishes to withdraw Counts One and Four of the Complaint from this action without prejudice.

WAGO consents to the withdrawal of Counts One and Four of the Complaint without prejudice, while reserving any rights they may have to seek an award of costs including attorneys' fees in connection with Counts One and Four in this case and/or any requests for costs WAGO might otherwise make under Rule 41(d) in a subsequent case. Accordingly, we respectfully request that Counts One and Four of the Complaint be dismissed from this action without prejudice.

Respectfully submitted,



Paul Tanck
(Counsel for Plaintiffs)

cc: Defendants' Counsel by ECF

